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EXAMINER

SERRAO, RANODHI N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,100

Applicant(s)

CHANDRA, ROHIT

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-27, 38-41, 43 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-27, 38-41, 43 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks, filed 23 January 2006, with respect to the rejection(s) of claim(s) 12-27, 38-41, 43, and 48 under Title 35, U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s).

2. The applicant argued that Pulley et al., Matsliach, and Sehm et al. fail to teach the limitations of independent claim 12. The Office action points out that Pulley et al., Sehm et al., and Matsliach fail to teach those limitations however it would have been obvious to one having ordinary skill in the art at the time of the invention to combine Pulley et al., Sehm et al., and Matsliach since the inventions of Pulley et al., Sehm et al., and Matsliach are in the same field of endeavor as that of McKeeth and Tams et al.

3. As per the applicant's argument that "*popularity of links in McKeeth is not determined from information extracted from the packets actually traversing the Internet, and is not proportionate to the actual number of visits to the web pages as indicated by such information extracted from the packets actually traversing the Internet,*" the examiner points to col. 8, lines 14-41 wherein McKeeth describes when the user actually clicks or visits a link as **opposed** to the link just **appearing** on a website. Emphasis added. It is inherent that when a user clicks on a link, packets traverse the Internet to and from the clicked link (website). A counter is a monitoring device that may be placed to monitor these traversing packets and its value may be increased by this

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method. Therefore McKeeth is describing the claimed invention. Furthermore it would have been obvious to one having ordinary skill in the art at the time of the invention to place probes or monitoring devices in a plurality of locations in a network as taught by Tams et al. In conclusion, the references cited teach the invention as claimed. See rejections below.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 12, 22, 26, 27, 38, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth (6,763,362) and Tams et al. (6,279,037).

6. As per claims 12, and 43, McKeeth teaches a search system for ranking Internet search results based upon popularity of web pages on a network (see McKeeth, abstract), and determining the popularity of the web pages based upon the extracted information, the popularity of the web pages being proportionate to actual number of visits to the web pages as indicated by the extracted information (see McKeeth, col. 7, lines 35-62); and a search engine for receiving search terms and retrieving web pages containing the search terms (see McKeeth, col. 4, lines 43-60), the search engine ranking the web pages at least in part based upon the popularity of the retrieved web pages (see McKeeth, col. 8, lines 14-40). But fails to teach the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the

packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information. However, Tams et al. teaches the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets (see Tams et al., col. 2, lines 13-28); a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth to the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information in order to reduce problems due to different counting techniques and data table formats, by monitoring and processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

7. As per claim 22, McKeeth and Tams et al. teach a system, wherein the processing module maintains a counter corresponding to a URL and increments a count of the counter, if the extracted information indicates that the web page corresponding to the URL was visited, the count indicating the number of visits to the web page (see McKeeth, col. 7, lines 35-62).

8. As per claim 26, McKeeth and Tams et al. teach a search system, wherein the monitoring devices detect requests to stale web pages (see McKeeth, paragraph 0011).

9. As per claim 27, McKeeth and Tams et al. teach a search system, wherein the monitoring devices detect pages unknown to the search engine (see McKeeth, paragraph 0011).

10. As per claim 38, McKeeth teaches a method for ranking Internet search results based upon popularity of web pages (see McKeeth, abstract), the method comprising: receiving a search term; performing search of web pages on the Internet based upon the received search term (see McKeeth, col. 4, lines 43-60); retrieving a plurality of web pages containing the search term (see McKeeth, col. 11, line 50-col. 12, line 5); and ranking the web pages at least in part based upon the popularity of the retrieved web pages, the popularity of the retrieved web pages (see McKeeth, col. 12, lines 6-33); and being proportionate to actual number of visits to the web pages as indicated by the extracted information (see McKeeth, col. 7, lines 35-62). But fails to teach being determined based upon information extracted from packets traversing the Internet. However, Tams et al. teaches being determined based upon information extracted from packets traversing the Internet (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth to being determined based upon information extracted from packets traversing the Internet in order to reduce problems due to different counting techniques and data table formats, by processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

11. As per claim 48, McKeeth teaches and determining the popularity of the links from a first web page to a plurality of second web pages based upon the extracted information; the popularity of each of the links being proportionate to number of times each of the links is actually traversed as indicated by the extracted information (see McKeeth, col. 8, lines 14-41); and a search engine for receiving search terms and retrieving web pages containing the search terms (see McKeeth, col. 4, lines 43-60), the search engine propagating a score of the first web page to the second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages (see McKeeth, col. 7, lines 35-62). But fails to teach a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information. However, Tams et al. teaches a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets (see Tams et al., col. 2, lines 13-28); a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth to a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets

traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information in order to reduce problems due to different counting techniques and data table formats, by processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

12. Claims 13-15 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Bharat (6,526,440).

13. As per claims 13 and 39, McKeeth and Tams et al. teach the mentioned limitations of claims 12 and 38 above, but fail to teach a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages. However Bharat teaches a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages (see Bharat, col. 3, lines 3-18 and col. 4, lines 13-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages in

order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

14. As per claims 14 and 40, McKeeth and Tams et al. teach the mentioned limitations of claims 12, 38, and 44 above, but fail to teach a search system, wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages. However, Bharat teaches a search system, wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages (see Bharat, col. 3, line 57-col. 4, line 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages in order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

15. As per claims 15 and 41, McKeeth and Tams et al. teach the mentioned limitations of claims 12 and 38 above, but fail to teach a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web page if the popularity of the first web page is greater than the popularity of the second web page. However, Bharat teaches a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web

page if the popularity of the first web page is greater than the popularity of the second web page (see Bharat, col. 3, line 57-col. 4, line 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web page if the popularity of the first web page is greater than the popularity of the second web page in order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

16. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Vo (2003/0229692).

17. As per claim 16, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above but fail to teach a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored. However, Vo teaches a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored (see Vo, ¶ 25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored to provide a network monitoring device that monitors a network in order to gather information on the traffic flow generated by network users over the network (see Vo, ¶ 6).

18. As per claim 17, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above but fail to teach a search system, wherein the monitoring devices are placed at a traversal point for complete bi-directional activity between a client device and a server on the network. However, Vo teaches a search system, wherein the monitoring devices are placed at a traversal point for complete bi-directional activity between a client device and a server on the network (see Vo, ¶ 25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the monitoring devices are placed at a traversal point for complete bi-directional activity between a client device and a server on the network to provide a network monitoring device that monitors a network in order to gather information on the traffic flow generated by network users over the network (see Vo, ¶ 6).

19. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Pulley et al. (2002/0087679).

20. As per claim 18, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a search system, wherein the monitoring devices extract the information from packets in a TCP session, and the extracted information includes: a requested URI or URL; a client IP address; and a server IP address and a server host name. However, Pulley et al. teaches a system, wherein the monitoring devices extract the information from packets in a TCP session (see Pulley et al.,

paragraph 0075), and the extracted information includes: a requested URI or URL (see Pulley et al., paragraph 0098); a client IP address (see Pulley et al., paragraph 0029); and a server IP address and a server host name (see Pulley et al., paragraph 0158). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices extract the information from packets in a TCP session, and the extracted information includes: a requested URI or URL; a client IP address; and a server IP address and a server host name in order to provide systems and methods for aggregating website activity data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

21. As per claim 19, McKeeth, Tams et al., and Pulley et al. teach the mentioned limitations of claims 12 and 18 above, but McKeeth and Tams et al. fail to teach a system, wherein the extracted information further includes a referrer URL. However, Pulley et al. teaches a system, wherein the extracted information further includes a referrer URL (see Pulley et al., paragraph 0098). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the extracted information further includes a referrer URL in order to provide systems and methods for aggregating website activity data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

22. As per claim 20, McKeeth, Tams et al., and Pulley et al. teach the mentioned limitations of claims 12 and 18 above, but McKeeth and Tams et al. fail to teach a system, wherein the monitoring devices analyzes the packets relating to GET Requests

in the TCP session to extract the information. However, Pulley et al. teaches a system, wherein the monitoring devices analyzes the packets relating to GET Requests in the TCP session to extract the information (see Pulley et al., paragraphs 0166 and 0173). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices analyzes the packets relating to GET Requests in the TCP session to extract the information in order to provide systems and methods for aggregating website activity data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of U.S. Patent No. 6,879,994 to Matsliach et al. ("Mat"). McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location. However, Mat teaches a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted information indicates that the web page corresponding

to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location (see Mat, col. 16, lines 16-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location in order to compile site usage information to determine popular "surf" patterns originating from a particular page. The patterns can be used to identify the most popular next destination(s) for users, further focused according to demographic information (see Mat, col. 5, lines 11-15).

24. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth, Tams et al., and Matsliach et al. (6,879,994) as applied to claims 12 and 23 above, and further in view of Pulley et al. (2002/0087679). McKeeth, Tams et al., and Mat teach the mentioned limitations of claims 12 and 23 above, but fail to teach a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct

IP address. However, Pulley et al. teaches a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct IP address (see Pulley et al., paragraph 0098). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth, Tams et al., and Mat to a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct IP address in order to allow an user of the website activity monitoring systems to see how in-site up-sell and side-sell banner ads drive visitors to the website to place more things into the visitors' shopping baskets, so that locations where changes or additions might be fruitful can be identified (see Pulley et al., paragraph 0054).

25. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth, Tams et al., and Matsliach et al. as applied to claims 12 and 23 above, and further in view of Sehm et al. (2005/0021731).

26. As per claim 21, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information. However, Sehm et al. teaches a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information (see Sehm et al.,

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paragraph 0060). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information so that when the user visits the website again, he/she is again included in the 2-5 visits counter etc. instead of the 1st counter (see Sehm et al., paragraph 0062).

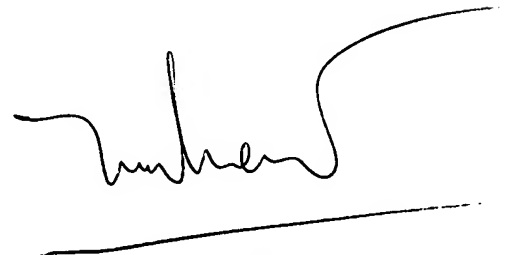
27. As per claim 25, McKeeth, Tams et al., and Mat teach the mentioned limitations of claims 12 and 23 above, but fail to teach a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer. However, Sehm et al. teaches a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer (see Sehm et al., paragraph 0064). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth, Tams et al., and Mat to a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer in order so that when the user visits the website again, he/she is again included in the 2-5 visits counter etc. instead of the 1st counter (see Sehm et al., paragraph 0062).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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